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IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TADASHI KURA KOJIMA,

Defendant.

Case No. 1:23-cr-00006 HCN

SECOND NOTICE OF COMPLIANCE
 AND REQUEST FOR RECIPROCAL
 DISCOVERY

Judge Howard C. Nielson, Jr.

The United States of America, by and through the undersigned, hereby files its second notice of compliance with its discovery obligations in this case and request for reciprocal discovery from the defendant.

The United States gives notice that the following is being or has been provided to counsel for the defendant:

DISCOVERY UNDER PROTECTIVE ORDER

Business Records	Description	Beginning Bates	Ending Bates
Twitter		BR-TWT-08-00001	BR-TWT-08-00011.563
Investigative Reports			
Layton PD	Incident checklists (22-31124)	RPT-LPD-03-00001	RPT-LPD-03-00003
Layton PD	Incident checklists (22-33553)	RPT-LPD-03-00004	RPT-LPD-03-00021.06
Layton PD	NCIC (22-33553)	RPT-LPD-04-00001	RPT-LPD-04-00002.02
Layton PD	Neighborhood canvas	RPT-LPD-05-00001	RPT-LPD-05-00016
Layton PD	Witness statements (22-33553)	RPT-LPD-06-00001	RPT-LPD-06-00003

Investigative Reports (cont.)	Description	Beginning Bates	Ending Bates
NCMEC	Cybertip reports	RPT-NCMEC-01-00001	RPT-NCMEC-01-00016.04
NCMEC	Cybertip - 1674150962552_139721395	RPT-NCMEC-02-00001	RPT-NCMEC-02-00014
NCMEC	Cybertip - 1674150974932_143556122	RPT-NCMEC-03-00001	RPT-NCMEC-03-00001.06
NCMEC	Cybertip - 1674150983026_143657841	RPT-NCMEC-04-00001	RPT-NCMEC-04-00001.07
NCMEC	Cybertip - 1674150996668_143707103	RPT-NCMEC-05-00001	RPT-NCMEC-05-00006.07
NCMEC	Cybertip - 1674151013310_143712862	RPT-NCMEC-06-00001	RPT-NCMEC-06-00001.06
NCMEC	Cybertip - 1674151046205_149614657	RPT-NCMEC-07-00001	RPT-NCMEC-07-00007.07
Salt Lake DA	Report (DAINV-2023-2)	RPT-SLDA-01-00001	RPT-SLDA-01-00002
Salt Lake DA	Videos (SA)	RPT-SLDA-02-00001	RPT-SLDA-02-00024
Salt Lake DA	Videos (GF)	RPT-SLDA-03-00001	RPT-SLDA-03-00001
Salt Lake DA	Videos (TM)	RPT-SLDA-04-00001	RPT-SLDA-04-00005
Salt Lake DA	Videos (SM)	RPT-SLDA-05-00001	RPT-SLDA-05-00013
Salt Lake DA	Videos (JR)	RPT-SLDA-06-00001	RPT-SLDA-06-00007
Search Warrants			
SW2552231	Twitter (affidavit/sw)	SW1-01-00001	SW1-01-00002.03
SW2563581	Twitter (affidavit/sw)	SW2-01-00001	SW2-01-00002.07
SW2565901	Google (affidavit/sw)	SW3-01-00001	SW3-01-00003.03
SW2565901	Google - 1st response	SW3-02-00001	SW3-02-00004
SW2565901	Google - 2nd response	SW3-03-00001	SW3-03-00016
SW2565901	Google - 3rd response	SW3-04-00001	SW3-04-00003
SW2570831	Twitter (affidavit/sw)	SW4-01-00001	SW4-01-00001.12
SW2570831	Twitter - response	SW4-02-00001	SW4-02-00034
4:23MJ3008 (Nebraska)	Vehicle and digital media (affidavit/sw)	SW5-01-00001	SW5-01-00002.05

NATIVE FILES PRODUCED

Investigative Reports	Filename	Bates number
Layton PD	22-33553 Beavers initial checklist.pdf	RPT-LPD-03-00004
Layton PD	22-33553 Rapp Supp11CL.pdf	RPT-LPD-03-00016
Layton PD	Godfrey Incident Checklist.pdf	RPT-LPD-03-00017
Layton PD	Incident checklist-22-33553.pdf	RPT-LPD-03-00018
Layton PD	0000_	RPT-LPD-05-00007
Layton PD	2345-2350	RPT-LPD-05-00008
Layton PD	2350-2355	RPT-LPD-05-00009

Investigative Reports (cont.)	Filename	Bates number
Layton PD	2355-0000	RPT-LPD-05-00010
NCMEC	52767511_USER_CONTENT_1.kpf	RPT-NCMEC-07-00002
NCMEC	action.log	RPT-NCMEC-07-00003
NCMEC	book_1.rtf	RPT-NCMEC-07-00004
NCMEC	ManifestFile	RPT-NCMEC-07-00005
NCMEC	rsrc22D	RPT-NCMEC-07-00006
NCMEC	book.kcb	RPT-NCMEC-07-00007
Search Warrants		
SW2565901	MyActivity.html	SW3-03-00015
SW2565901	MyActivity.html	SW3-03-00016
SW2565901	Activities - A list of Google services...	SW3-04-00003
SW2570831	twitter-public-key-gpg.asc	SW4-02-00034

DISCOVERY UNDER PROTECTIVE ORDER

Pursuant to Rule 12(b)(4)(A) of the Federal Rules of Criminal Procedure, the United States notified the defense that at trial, the United States may seek to use all physical evidence, statements made by the defendant and others, police reports, phone records, electronic evidence (including body camera footage), documents, and photographs obtained during the investigation. The United States reserves the right to introduce in its case-in-chief all tangible objects, physical, documentary, and electronic evidence, and all other evidence provided, made available, or identified in discovery.

As additional discoverable material becomes available, such material will be provided within a reasonable time. Throughout this case, the United States will provide material discoverable under Rules 16 and 26.2 of the Federal Rules of Criminal Procedure and the Jencks Act without requiring the defendant to make a specific request for such material. Upon request of the defendant, the United States will permit and facilitate the defendant's own inspection, copying or photographing of those items described/defined in Rule 16(a)(1)(E).

The United States also hereby requests disclosure of evidence by the defendant (also known as reciprocal discovery) pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure and DUCrimR 16-1(c). By providing Rule 16 discovery without requiring a specific request from the defense, the United States invokes a reciprocal obligation on the defendant's under DUCrimR 16-1(c), which states that the defendant must allow the government to inspect and to copy the following, as further defined in Rule 16 of the Federal Rules of Criminal Procedure:

- a. Documents and tangible objects the defendant intends to introduce as evidence at trial;
- b. Reports of examinations and tests the defendants intend to introduce at trial or that were prepared by a witness whom the defendant intends to call at trial; and
- c. A written summary of the testimony of any expert the defendant intends to use a trial under Federal Rules of Evidence 702, 703 and 705.

The United States requests that the defendants provide to the government at a reasonable time before trial, but no later than five working days before trial, copies of the material referenced in this paragraph. Further, the United States requests continuing compliance with the reciprocal discovery following the initial disclosure.

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The United States also hereby requests all written and recorded statements by any witnesses other than the defendant whom the defendant intends to call at trial or a hearing covered by the Jencks Act or Rule 26.2 of the Federal Rules of Criminal Procedure.

DATED this 15th day of September, 2023.

TRINA A. HIGGINS
United States Attorney

/s/Carol A. Dain
CAROL A. DAIN
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on the 15th day of September, 2023, the Second CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY was filed electronically to the District Court, and caused to be made available for download from USAfx, to the following:

Spencer W. Rice
Attorney for Tadashi Kura Kojima
Federal Defender

/s/Erica Arvizo
ERICA ARVIZO
Legal Administrative Specialist